

## SENATE BILL No. 218

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2; IC 13-20-25.

**Synopsis:** Annual reporting of recycling activities. Requires a person that recycles recyclable materials (including a recyclable materials broker and the owner or operator of a composting facility, a waste tire processing operation, a resource recovery facility, a waste-to-energy facility, or a solid waste disposal facility at which recycling occurs) to submit annually to the commissioner of the department of environmental management (commissioner) a completed recycling activity report concerning the recycling activities or waste-to-energy activities conducted by the person during the year. Requires the commissioner to post on the department's Internet web site a uniform recycling activity report form to be used in making the annual recycling activity reports. Requires the commissioner to submit to the environmental quality service council an annual written report summarizing the information obtained through the recycling activity reports submitted to the commissioner.

**Effective:** July 1, 2014.

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## Charbonneau

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January 9, 2014, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 218

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 13-11-2-85.3 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2014]: **Sec. 85.3. "Fiscal year", for purposes**
- 4 **of IC 13-20-25, has the meaning set forth in IC 13-20-25-1.**
- 5 SECTION 2. IC 13-11-2-179.5 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2014]: **Sec. 179.5. "Recyclable material", for**
- 8 **purposes of IC 13-20-25, has the meaning set forth in**
- 9 **IC 13-20-25-2.**
- 10 SECTION 3. IC 13-11-2-179.6 IS ADDED TO THE INDIANA
- 11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2014]: **Sec. 179.6. "Recyclable materials**
- 13 **broker", for purposes of IC 13-20-25, has the meaning set forth in**
- 14 **IC 13-20-25-3.**
- 15 SECTION 4. IC 13-11-2-179.7 IS ADDED TO THE INDIANA
- 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2014]: **Sec. 179.7. "Recycle", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-4.**

SECTION 5. IC 13-11-2-179.9, AS ADDED BY P.L.178-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 179.9. (a) "Recycler", for purposes of sections 31.1 and 31.2 of this chapter and IC 13-20.5, means an individual or public or private entity that accepts covered electronic devices from covered entities and collectors for the purpose of recycling. ~~(b)~~ The term does not include a manufacturer that accepts products for refurbishment or repair.

**(b) "Recycler", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-5.**

SECTION 6. IC 13-11-2-202.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 202.8. "Single stream recyclable materials", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-6.**

SECTION 7. IC 13-20-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

**Chapter 25. Recycling Reporting**

**Sec. 1. As used in this chapter, "fiscal year" means a period:**

- (1) beginning July 1 in a calendar year; and**
- (2) ending June 30 of the succeeding calendar year.**

**Sec. 2. As used in this chapter, "recyclable material" means material that is suitable for recycling.**

**Sec. 3. As used in this chapter, "recyclable materials broker" means a person that:**

- (1) engages in the business of arranging for the collection, transportation, delivery, recycling, or reuse of recyclable materials; but**
- (2) does not take title to, or physical possession of, the recyclable materials.**

**Sec. 4. As used in this chapter, "recycle" means to take action by which recyclable materials are diverted or recovered from the solid waste stream for the purposes of:**

- (1) use or reuse;**
- (2) conversion into raw materials; or**
- (3) use in the production of new products or energy.**

**Sec. 5. (a) As used in this chapter, "recycler" means a person that recycles recyclable materials generated by more than one (1) person.**



(b) The term includes the following:

- (1) A recyclable materials broker.
- (2) The owner or operator of a solid waste disposal facility regulated under IC 13-20-8 at which recycling occurs.
- (3) The owner or operator of a composting facility registered under IC 13-20-10.
- (4) The owner or operator of a waste tire storage site or waste tire processing operation registered under IC 13-20-13.
- (5) A collector or recycler of covered electronic devices under IC 13-20.5.
- (6) The owner or operator of a resource recovery facility.
- (7) A scrap metal processor, as defined in IC 13-11-2-196.5.
- (8) The owner or operator of a waste-to-energy facility, as defined in IC 13-11-2-253.

Sec. 6. As used in this chapter, "single stream recyclable materials" means a combination of two (2) or more types of recyclable materials that have been commingled and cannot be separated into individual types without processing.

Sec. 7. (a) In each calendar year following calendar year 2014, before August 1:

- (1) a recycler shall submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the fiscal year that ended on the most recent June 30; and
- (2) a recycler that operates a waste-to-energy facility shall submit to the commissioner a completed recycling activity report concerning solid waste converted into energy or another useful product by incineration at the waste-to-energy facility during the fiscal year that ended on the most recent June 30.

However, a recycler that submits a quarterly report for each of the quarters of a fiscal year under subsection (c) is not required to submit a yearly recycling activity report under this subsection.

(b) A recycler shall submit a separate recycling activity report for a fiscal year under this section for each establishment or waste-to-energy facility:

- (1) that was owned or operated by the recycler; and
  - (2) at which the recycler:
    - (A) conducted recycling activities; or
    - (B) converted solid waste into energy or another useful product by incineration;
- during the fiscal year.



(c) Instead of submitting a yearly recycling activity report under subsection (a), a recycler may submit to the commissioner a completed recycling activity report for each quarter of the fiscal year. A quarterly report submitted under this subsection must concern the recycling activities or waste-to-energy activities conducted by the recycler during the period of:

- (1) July through September;
- (2) October through December;
- (3) January through March; or
- (4) April through June.

A recycler that elects to submit quarterly reports under this subsection instead of a yearly report under subsection (a) for the fiscal year ending on June 30, 2015, must begin by submitting a quarterly report for the period of July through September 2014.

Sec. 8. (a) A person who:

- (1) is not required to submit a recycling activity report under section 7 of this chapter; but
  - (2) recycled recyclable materials during a fiscal year;
- may voluntarily submit a recycling activity report to the commissioner concerning the person's recycling activity during the fiscal year.

(b) The commissioner shall include information reported to the commissioner under this section in the written annual report the commissioner is required to submit to the environmental quality service council under section 12 of this chapter.

Sec. 9. (a) Except as provided in subsection (b), a recycling activity report submitted to the commissioner under this chapter must be submitted on a uniform recycling activity report form posted by the commissioner on the department's Internet web site under section 10 of this chapter.

(b) If a uniform recycling activity report form is not posted on the department's Internet web site by July 1 in a calendar year in which a recycler is required to submit a completed recycling activity report under section 7(a) of this chapter, the recycler may satisfy the recycler's duties under this chapter by submitting to the commissioner, by a letter postmarked before August 1 of the calendar year, the types of information about the recycler's recycling activities or waste-to-energy activities during the fiscal year that are set forth in section 10 of this chapter.

Sec. 10. (a) Not later than July 1, 2015, the commissioner shall post on the department's Internet web site a uniform recycling activity report form. The form must do the following:



(1) Provide for reporting of the:

(A) name and location of; and

(B) principal business activities conducted at;  
the recycler's establishment or waste-to-energy facility.

(2) Include:

(A) an appropriate space for; and

(B) instructions requiring the completion of;  
an appropriate certification, by signature of the recycler (if  
the recycler is an individual) or a senior official with  
management responsibility for the recycler (if the recycler is  
not an individual), of the accuracy and completeness of the  
recycling activity report.

(3) Provide for reporting of the quantity, in tons, of each type  
of recyclable material listed in subsection (b) that was in  
storage at the reporting recycler's establishment:

(A) at the start of the fiscal year; and

(B) at the close of the fiscal year.

(4) Provide for reporting of the quantity, in tons, of each type  
of recyclable material listed in subsection (b) that was  
transported from the reporting recycler's establishment, or  
(in the case of a recycler that is a recyclable materials broker)  
that was transported or delivered by arrangement of the  
recycler, to any of the following:

(A) Other recyclers located in Indiana.

(B) Persons that are located in Indiana but are not  
recyclers, including persons that may use the recyclable  
material as a raw material or a new product without  
further recycling.

(C) Persons located outside Indiana.

(5) Provide for reporting, by a recycler that owns or operates  
a waste-to-energy facility that burns recyclable materials or  
solid waste as a fuel, of:

(A) the quantity, in megawatts, of the energy produced;  
and

(B) the quantity, in tons, of recyclable materials or solid  
waste consumed in the production of that energy.

(6) Provide for reporting, by a recycler that owns or operates  
a landfill and recovers methane gas from the landfill as a  
source of energy, of:

(A) the quantity of methane gas recovered; and

(B) the method and assumptions used to determine that  
quantity.



(b) A uniform recycling activity report form posted on the department's Internet web site under subsection (a) must require that the information to be reported by a recycler under subsection (a)(3), (a)(4), and (a)(5) be reported separately for each of the following types of recyclable materials:

- (1) Ashes.
- (2) Concrete and asphalt.
- (3) Foundry sand.
- (4) Garbage.
- (5) Glass.
- (6) Metal, including white goods (ferrous).
- (7) Metal (nonferrous).
- (8) Paper and paper products (all grades).
- (9) Plastic and plastic products.
- (10) Textiles and carpeting.
- (11) Rubber and tires.
- (12) Single stream recyclable materials.
- (13) Sludges.
- (14) Wood and wood products.
- (15) Yard clippings and other compostable materials.
- (16) Any other distinct type of recyclable material not specified in subdivisions (1) through (15).

Sec. 11. A recycler is not required to measure directly the weight of recyclable materials for purposes of submitting a recycling activities report under this chapter. For the purposes of reporting the quantity, in tons, of a type of recyclable material that is recycled, the recycler may estimate the weight of the recyclable material by converting the volume of the recyclable material to weight based on the density of the recyclable material.

Sec. 12. Not later than December 31 of each calendar year following calendar year 2014, the commissioner shall submit to the environmental quality service council established by IC 13-13-7-1 a written report summarizing the information obtained through the recycling activity reports submitted to the commissioner under this chapter concerning the fiscal year most recently ended.

